

REMARKS

Reconsideration of this application, in view of the following remarks, is respectfully requested.

Claims 1-47 were originally presented for consideration in this application. Claims 2, 4, 14, 19, 27, 29 and 41 have been canceled. Accordingly, claims 1, 3, 5-13, 15-18, 20-26, 28, 30-40 and 42-47 are currently pending in this application.

The following rejections were set forth in the Office Action:

1. Claims 11, 13, 15-18, 38, 40, 42, 45 and 46 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,994,118 to Kiest, Jr. et al.;
2. Claims 11, 13 and 15-18 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,340,160 Meijers et al.;
3. Claims 1, 3, 8, 10, 21, 22, 25, 26, 28, 30-34 and 36 stand rejected under 35 USC §103 as being unpatentable over Kiest;
4. Claims 1, 3, 8, 10, 21, 26, 28, 30-34 and 36 stand rejected under 35 USC §103 as being unpatentable over Meijers; and
5. Claims 1, 3-13, 15-28, 30-40 and 42-47 are rejected under 35 USC §103 as being unpatentable over U.S. Patent No. 6,883,611 to Smith et al. in view of Kiest.

Regarding the rejections above based wholly or in part on the Kiest reference (items 1, 3 and 5), it is respectfully submitted that the present invention was conceived and diligently reduced to practice prior to the filing date of the Kiest reference. The Kiest reference is, therefore, not a usable reference against the claims.

Enclosed herewith are declarations of the inventors, Neil Hepburn and Steven R. Fipke, duly executed under the provisions of 37 CFR §1.131. The Kiest reference is, thus, removed as a usable reference under 35 USC §102(e). Accordingly, the examiner is respectfully requested to withdraw the rejections based in whole or in part on the Kiest reference.

Claims 9, 12, 20 and 23-25 have been rewritten in independent form above. These claims were rejected only over the Kiest reference alone, or in combination with the Smith reference. Since Kiest is not a usable reference, these claims are now seen to be in allowable form.

Regarding the rejections above based on the Meijers reference (items 2 and 4), please note that each of the independent claims 1, 11 and 21 has been amended above to incorporate limitations therein from dependent claims not rejected over the Meijers reference. That is, the limitations of dependent claim 4 have been incorporated into independent claim 1, the limitations of dependent claim 19 have been incorporated into independent claim 11, and the limitations of dependent claim 27 have been incorporated into independent claim 21. Thus, it may now be seen that each of these independent claims is allowable over the Meijers reference. The examiner is respectfully requested to withdraw the rejections of claims 1, 11, 21 and their dependents.

In view of the foregoing amendment and remarks, all of the claims pending in this application are now seen to be in a condition for allowance. A Notice of Allowance of claims 1, 3, 5-13, 15-18, 20-26, 28, 30-40 and 42-47 is therefore earnestly solicited.

The examiner is hereby requested to telephone the undersigned attorney of record at (972) 516-0030 if such would expedite the prosecution of the application.

Respectfully submitted,

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